

REMARKS

This paper is filed in response to the Office action mailed on July 31, 2007. In the Office action, claims 34-38 are rejected both under 35 U.S.C. § 112, first paragraph and under 35 U.S.C. § 112, second paragraph; and claims 22-38 and 42 are rejected under 35 U.S.C. § 103(a) as being obvious in view of prior art.

In response, applicant has amended claim 34. In view of the amendments and remarks provided herein, applicant submits that all of the aforementioned rejections are overcome and that each of the amended set of claims is in a condition for allowance. Accordingly, reconsideration and withdrawal of all of the rejections are respectfully requested.

Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 34-38 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. More specifically, the Examiner asserts that the specification gives no guidance to decrease the hydration time of a gelatin composition by providing an aqueous solution and contacting the gelatin composition with the aqueous solution. Applicant has hereby amended claim 34 to no longer specify a method for decreasing the hydration time of a gelatin sponge, but rather a method for hydrating a gelatin sponge, which is sufficiently supported by the specification. Therefore, this rejection is overcome and should be withdrawn.

Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 34-38 are also rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctively claim the subject matter which applicant regards as the invention. More specifically, the Examiner asserts that independent claim 34, upon which claims 35-38 are dependent, is incomplete for omitting essential structural cooperative relationships of “providing an aqueous solution” and “contacting the gelatin composition with the aqueous solution” to a method for decreasing the hydration time of the gelatin composition. As stated above, amended claim 34 now specifies a method for hydrating a gelatin sponge, which is consequential to the steps recited in the rejected claims. Accordingly, this rejection is moot and therefore should be withdrawn.

Rejections Under 35 U.S.C. § 103(a)

Turning to the prior art rejections, claims 22-29, 34-38, and 42 are rejected under 35 U.S.C. § 103(a) as being allegedly obvious over Japanese Patent No. 02-182259 (“Yasushi”). The Examiner asserts that: 1) the difference between Yasushi and the instant application is that Yasushi does not explicitly teach the coating of the wetting agent on the surface of the gelatin composition but such coating would be apparent to one of ordinary skill in the art because Yasushi teaches the soaking of a gelatin sponge in a surfactant solution on page 6, lines 8-12 (page 7 of the Office action); and 2) because Yasushi teaches the mixing of the gelatin with the surfactant before drying, it is expected that after drying the surfactant will be mixed with the gelatin sponge and a “partial coating” of the surfactant on the gelatin will be obtained (page 10 of the Office action).

Applicant, however, respectfully disagrees with both of the Examiner’s assertions. Yasushi discloses a hemostatic sticking plaster. According to the specification of Yasushi, the plaster is formed by: (1) forming an aqueous gelatin solution; (2) adding a surfactant to the gelatin solution; (3) stirring the solution to form a foam and freeze-drying the foam to obtain a gelatin sponge; and (4) soaking the sponge in an organic solvent solution containing a cross-linking agent in order to cross-link the gelatin or the like.

With respect to the Examiner’s first assertion, applicant submits that page 6, lines 8-12 does not teach the soaking of a gelatin sponge in a surfactant solution. Instead, it teaches the addition of a surfactant to a gelatin solution (page 6, lines 8-9 of Yasushi), which is later foamed and freeze-dried to form a gelatin sponge. Applicant respectfully submits that, contrary to the Examiner’s first assertion, Yasushi does not teach or suggest the soaking of a gelatin sponge in a surfactant solution and therefore does not teach the coating of a surfactant or wetting agent on the gelatin sponge.

Regarding the Examiner’s second assertion, the Examiner incorrectly interprets the term “coating” to encompass the claimed subject matter. The term “coating” is a technical term. As such, it must be “interpreted as having the meaning that it would be given by person experienced in the field of the invention, unless it is apparent from the patent and the prosecution history that the inventor used the term with a different meaning.” *Hoechst Celanese Corp. v. BP Chems.*

Ltd., 78 F. 3d 1473, 45 USPQ 2d 1429, 1433 (Fed. Cir. 1998). In the field of material science, a coating is “a material that forms a continuous layer over a surface, or the film formed by such a material” (Academic Press Dictionary of Science and Technology). This definition is consistent with the specification of the instant application, the ordinary meaning of the language of the pending claims, and the usage in the technical field of the instant application.

Under this definition, however, Yasushi’s surfactant is not coated on the surface of the gelatin sponge because the surfactant does not form a continuous layer over the gelatin sponge. In fact, Yasushi’s surfactant is added to a gelatin solution under high speed stirring before the gelatin solution is foamed and freeze-dried to form the gelatin sponge (page 6, lines 8-10). As a result, Yasushi’s surfactant is evenly impregnated throughout the gelatin sponge. Although a small portion of Yasushi’s surfactant may be present on the surface of the gelatin sponge, it still cannot form a continuous layer thereon as required by the definition of “coating”. As a result, contrary to the Examiner’s second assertion, one of ordinary skill in the art would not consider Yasushi’s surfactant as a “coating” or “partial coating”. Again, Yasushi fails to teach or suggest the coating of a surfactant or wetting agent on the surface of the gelatin sponge.

In light of the foregoing, the cited prior art fails to disclose each element of the claims at issue. More specifically, Yasushi fails to teach or suggest coating the surface of a gelatin sponge with a surfactant or a wetting agent. As such, the Examiner has failed to correctly determine the scope and content of the prior art, and by implication, has also failed to correctly ascertain the differences between the claimed invention and the prior art as required under *Graham v. John Deere Co.* 383 U.S. 1, 148 USPQ 459 (1966). Consequently, this rejection is improper and must be withdrawn.


Moreover, claims 30 and 32-33 are rejected under 35 U.S.C. § 103(a) as being obvious over Yasushi in view of U.S. Patent No. 6,603,061 (“Wallace”); and claim 31 is rejected under 35 U.S.C. § 103(a) as being obvious over Yasushi in view of European Patent No. EP5568334 (“Song”). The deficiencies of Yasushi are addressed above. Like Yasushi, neither Wallace nor Song teaches or suggests a surfactant or wetting agent coated on the surface of a gelatin sponge, and therefore no combination of Wallace or Song with Yasushi teaches or suggests all of the elements of the currently pending claims of the instant application. Consequently, the amended

set of claims should not be rendered obvious over Yasushi in view of Wallace or Song.
Accordingly, the obviousness rejections asserted against the aforementioned claims should be withdrawn.

An early action indicating the allowability of this application is respectfully requested. If a telephone call would expedite prosecution of the subject application, the Examiner is invited to call the undersigned attorney. The undersigned verifies that he is authorized to act on behalf of the assignee of the present application.

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Respectfully submitted,

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